



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,579	04/14/2004	Dan Anthony Balogh	29250-002026/US	6233

7590 03/11/2008
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

EXAMINER

KANGARLOO, RAMTIN

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

03/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,579

Applicant(s)

BALOGH ET AL.

Examiner

RAMTIN KANGARLOO

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/14/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Drawings

1 New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are informal due to being hand-written. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepare new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 13 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnamurthi et al. (U.S Patent Application Publication No. 2004/0246990)

Regarding **claim 1**, Krishnamurthi disclose a method comprising: sending a relay message including an embedded message (Fig.1, send a message from terminal 34 to terminal 30 via gateway 42) for conveying a switch (Fig.1, 42) in radio technology configuration from a first radio technology (Packet switching) to a second radio technology (circuit switching) (See Paragraph [0008], Lines 4-13 and Paragraph [0035], Lines 10-15 and Paragraph [0037], Lines 10-19 and Paragraph [0044], Lines 10-19 and claim 2).

Regarding **claim 2**, Krishnamurthi disclose the method of claim 1, wherein the embedded message is a message pursuant to the second radio (See Paragraph [0008], Lines 4-13 and claim 2).

Regarding **claim 3**, Krishnamurthi disclose the method of claim 1, further comprising: receiving, at a first network controller (Fig.1, 34) operating according to the first radio technology (Packet switching), a message relay request from a mobile station for which the network controller is handling a packet switched call, the message relay request (handoff identifier) including an origination message for originating a call at a second network controller (Fig.1, 30) operating according to a second radio technology (circuit switching); and forming the relay message to include the origination message as the embedded message (Paragraph [0008], Lines 4-13 and claim 2).

Regarding **claim 4**, Krishnamurthi disclose the method of claim 3, wherein the message relay request includes an identifier identifying the message relay request as a message relay request (See Paragraph [0008], Lines 4-13 and Paragraph [0033], Lines 1-8 and Paragraph [0036], Lines 1-14).

Regarding **claim 5**, Krishnamurthi disclose the method of claim 3, wherein the forming step further includes in the relay message an identifier of a packet data serving node handling the packet switched call of the mobile station (See Paragraph [0024], Lines 7-11 and Paragraph [0035], Lines 5-9).

Regarding **claim 6**, Krishnamurthi disclose the method of claim 3, further comprising: receiving a relay message including a channel assignment message (Fig1, send a message from IP network 32 to circuit switch network 28 via gateway 42) , the channel assignment message indicating a channel assigned to the mobile station for communicating with the second network controller (Fig1, 30); and sending a message relay response to the mobile station (Fig.1, 38) that includes the channel assignment message (See Paragraph [0023], Lines 1-12).

Regarding **claim 7**, Krishnamurthi disclose the method of claim 1, wherein the embedded message is a handoff request requesting handoff of the mobile station to the second radio technology (See Fig 3A, 76).

Regarding **claim 8**, Krishnamurthi disclose the method of claim 1, wherein the embedded message is a transition message requesting transition (Fig. 3A, 70) of a packet switched call for a mobile station handled by the first radio technology (Packet switching technology), to a call for the mobile station handled by the second radio technology, (See Fig 3B, 80, 82).

Regarding **claim 9**, Krishnamurthi disclose the method of claim 8, wherein the transition message requests transition of the packet switched call for the mobile station handled by the first radio technology to a packet switched call for the mobile station handled by the second radio technology (See Abstract, Lines 7-15).

Regarding **claim 10**, Krishnamurthi disclose the method of claim 8, wherein the transition message requests transition of the packet switched call for the mobile station handled by the first radio technology to a circuit switched call for the mobile station handled by the second radio technology (See Abstract, Lines 7-15).

Regarding **claim 11**, Krishnamurthi disclose a method, comprising: receiving a relay message from a first network controller (Fig.1, 34) operating according to a first radio technology (Packet switching technology), at a second network controller (Fig.1, 30) operating according to a different, second radio technology (circuit switching technology), the relay message including a transition message indicating to transition a packet switched call for a mobile station handled by the first network controller to a call

for the mobile station handled by the second network controller (See Paragraph [0007], Lines 1-16 and Paragraph [0008], Lines 1-13).

Regarding **claim 13**, Krishnamurthi disclose The method of claim 11, wherein the relay message further includes an identifier of a packet data serving node handling the packet switched call of the mobile station (See Paragraph [0008], Lines 4-13 and Paragraph [0033], Lines 1-8 and Paragraph [0036], Lines 1-14).

Regarding **claim 15**, Krishnamurthi disclose the method of claim 11, wherein the transition message is a handoff request requesting handoff of the mobile station to the second network controller (See Fig 3A, 76).

Regarding **claim 16**, Krishnamurthi disclose the method of claim 11, further comprising: sending a relay message including a channel assignment message (Fig1. send a message from IP network 32 to circuit switch network 28 via gateway 42), to the first network controller (Fig.1 34), the channel assignment message indicating a channel assigned to the mobile station for communicating with the second network controller (See Paragraph [0023], Lines 1-12).

Regarding **claim 17**, Krishnamurthi disclose the method of claim 11, wherein the transition message is for transitioning a packet switched call handled by the first

Art Unit: 2619

network controller to a packet switched call handled by the second network controller (See Abstract, Lines 7-15).

Regarding **claim 18**, Krishnamurthi disclose the method of claim 11, wherein the transition message is for transitioning a packet switched call handled by the first network controller to a circuit switched call handled by the second network controller (See Abstract, Lines 7-15).

4. Claims 1, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bos et al. (U.S Patent Application Publication No. 2004/0008669)

Regarding **claim 1**, Bos disclose a method comprising: sending a relay message including an embedded message for conveying a switch in radio technology configuration from a first radio technology to a second radio technology (See Paragraph [0006], Lines 1-10)

Regarding **claim 12**, Bos disclose the method of claim 11, wherein the transition message is an origination message for originating a call with the second network controller (See Page.1, Paragraph [0007]).

Regarding **claim 14**, Bos disclose the method of claim 13, further comprising: establishing a signaling relationship with the identified packet data serving node such

that the second network controller receives packetized traffic destined for the mobile station (See claim 7).

5. Claims 19-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Buckley et al. (U.S Patent No. 7164912)

Regarding **claim 19**, Buckley discloses a method of communication between wireless elements (See Fig.1, WLAN 1- WLAN 4) and a wireless unit (See Fig. 1, 12), the method comprising: sending at least one message identifying at least one network type of the wireless elements available to the wireless unit (wireless unit 12 send a message to WLAN 1- WLAN 4) and which wireless element is in use by the wireless unit; and receiving a selection of at least one wireless element from the wireless unit (See col. 5, Lines 23-28 and Col. 2, Lines 65-68 and Col. 3, Lines 1-3).

Regarding **claim 20**, Buckley discloses the method of claim 19, wherein the message includes at least one of an identifier (Service set identifier to identify available service) of a network type (First group of network) of the wireless elements available to the wireless unit, an available wireless element for each of the at least one other network types (second group of network) , and an indicator of whether the wireless element in use by the wireless unit can relay messages to the selected wireless element (See col. 5, Lines 23-36 and Lines 43-45).

Regarding **claim 21**, Buckley discloses the method of claim 19, wherein the message includes network configuration parameters to identify the at least one network type of the wireless elements available to the wireless unit (See col. 7, Lines 39-50 and Lines 55-58 and Col. 3, Lines 51-54).

Regarding **claim 22**, Buckley discloses the method of claim 19, wherein the message identifies the at least one network type of the wireless elements available to the wireless unit (See col. 4, Lines 60-64).

Regarding **claim 23**, Buckley discloses the method of claim 19, wherein the message includes parameters with which the wireless unit may select one of the wireless elements (See Fig.1, WLAN 1, WLAN 2) available to the wireless unit (See col. 4, Lines 64-67 and Col. 5, Lines 13-15).

Regarding **claim 24**, Buckley discloses the method of claim 19, whereupon selection of one of the wireless elements available to the wireless unit by the wireless unit, the wireless unit communicates with the current wireless element its choice of the selected wireless element to subsequently relay messages (See col. 7, Lines 29-35 and Col. 8, Lines 1-14 and Lines 45-47).

Regarding **claim 25**, Buckley discloses the method of claim 24, wherein the current wireless element relays messages to and/or from the selected wireless element from the mobile station (See col. 3, Lines 18-21 and Col. 4, Lines 10-22).

Regarding **claim 26**, Buckley discloses the method of claim 19, whereupon selection of one of the wireless elements (See Fig.1, WLAN 1, WLAN 2) available to the wireless unit (Fig. 1, 12) by the wireless unit and confirmation by the current wireless element (Fig. 3, 88), the current wireless element relays messages (Service set identifier message) to and/or from the selected wireless element from and/or to the mobile station (See Fig.3, 92, 96).

Regarding **claim 27**, Buckley discloses the method of claim 19, wherein the message identifying the selected wireless element indicates that all subsequent messages to and/or from the wireless unit are to be relayed by the current wireless element (See col. 3, Lines 18-21).

Regarding **claim 28**, Buckley discloses the method of claim 19, wherein each message to be relayed to and/or from the wireless unit by the current wireless element identifies the selected wireless element to which the message is to be relayed (See col. 3, Lines 18-21).

Regarding **claim 29**, Buckley discloses a method of communication between wireless elements (See Fig.1, WLAN 1- WLAN 4) and a wireless unit (See Fig. 1, 12), the method comprising: receiving at least one message identifying at least one network type of the wireless elements available to the wireless unit (wireless unit 12 send a message to WLAN 1- WLAN 4) and which wireless element is in use by the wireless unit; and selecting at least one wireless element for possible future service based on the message (See col. 5, Lines23-28 and Col. 2, Lines 65-68 and Col. 3, Lines 1-3).

Regarding **claim 30**, Buckley discloses the method of claim 29, wherein the message includes at least one of an identifier (Service set identifier to identify available service) of a network type (First group of network) of the wireless elements available to the wireless unit, an available wireless element for each of the at least one other network types (Second group of network), and an indicator of whether the wireless element in use by the wireless unit can relay messages to the selected wireless element (See col. 5, Lines 23-36 and Lines 43-46).

Regarding **claim 31**, Buckley discloses the method of claim 29, wherein the message includes network configuration parameters to identify the at least one network type of the wireless elements available to the wireless unit (See col. 7, Lines 39-50 and Lines 55-58 and Col. 3, Lines 51-54).

Regarding **claim 32**, Buckley discloses the method of claim 29, wherein the message identifies the at least one network type of the wireless elements available to the wireless unit (See col. 4, Lines 60-64).

Regarding **claim 33**, Buckley discloses the method of claim 29, wherein the message includes parameters with which the wireless unit may select one of the wireless elements(See Fig.1, WLAN 1, WLAN 2) available to the wireless unit (See col. 4, Lines 64-67 and Col. 5, Lines 13-15).

Regarding **claim 34**, Buckley discloses the method of claim 29, wherein the wireless unit selects one of the wireless elements for service based on the message and a preferred roaming list (See col. 8, Lines 36-44).

Regarding **claim 35**, Buckley disclose the method of claim 29, whereupon selection of one of the wireless elements available to the wireless unit by the wireless unit, the wireless unit communicates with the current wireless element its choice of the selected wireless element to subsequently relay messages (See col. 7, Lines 29-35 and Col. 8, Lines 1-14 and Lines 45-47).

Regarding **claim 36**, Buckley discloses the method of claim 35, wherein the current wireless element relays messages to and/or from the selected wireless element from the mobile station (See col. 3, Lines 18-21 and Col. 4, Lines 10-22).

Regarding **claim 37**, Buckley discloses the method of claim 29, whereupon selection of one of the wireless elements (See Fig.1, WLAN 1, WLAN 2) available to the wireless unit (Fig. 1, 12) by the wireless unit and confirmation by the current wireless element (Fig. 3, 88), the current wireless element relays messages (Service set identifier message) to and/or from the selected wireless element from and/or to the mobile station (See Fig.3, 92, 96).

Regarding **claim 38**, Buckley discloses the method of claim 29, wherein the message identifying the selected wireless element indicates that all subsequent messages to and/or from the wireless unit are to be relayed by the current wireless element (See col. 3, Lines 18-21).

Regarding **claim 39**, Buckley discloses the method of claim 29, wherein each message to be relayed to and/or from the wireless unit by the current wireless element identifies the selected wireless element to which the message is to be relayed (See col. 3, Lines 18-21).

Regarding **claim 40**, Buckley discloses the method of claim 29, further comprising: prior to selecting, requesting additional information on the wireless elements available to the wireless unit from the current wireless element (See col. 8, Lines 14-26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMTIN KANGARLOO whose telephone number is (571)270-3452. The examiner can normally be reached on Mon to Fri 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAMTIN KANGARLOO/
Examiner, Art Unit 2619
February 29, 2008

**/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619**